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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,504	04/09/2004	Jeff Scott Eder	AR - 65	9808

53787 7590 08/09/2007
ASSET TRUST, INC.
2020 MALTBY ROAD
SUITE 7362
BOTHELL, WA 98021

EXAMINER

CHENCINSKI, SIEGFRIED E

ART UNIT	PAPER NUMBER
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3692

MAIL DATE	DELIVERY MODE
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08/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/821,504

Applicant(s)

EDER, JEFF SCOTT

Examiner

Siegfried E. Chencinski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 101-105 and 122-138 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 101-105 and 122-138 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claims 101-105 & 122-138 are rejected because the claimed invention is directed to non-statutory subject matter. The claims are not directed to any one of the areas of patentable subject matter, such as product, process, process of making or composition.

For a claim to be statutory under 35 USC 101 the following two conditions must be met:

1) In the claim, the practical application of an algorithm or idea results in a useful, concrete, tangible result,

According to the above guidelines, Applicant's claims are limited to the manipulation of abstract ideas in the context of patentability.

Applicant is advised to satisfy the statutory requirements for the claims. Applicant is also advised not to add any new matter to the specification or the claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 101-105 & 122-138 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject

matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The invention contains numerous parameters which are subject to subjective judgment so that an ordinary practitioner would be unable to implement the invention

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 101-105 & 122-138 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 101-105 & 122-138 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are the steps needed to introduce objective measures such that two independent practitioners of the art could produce the same results. As it stands, the results of the invention cannot be duplicated in two independent implementations due to the many subjective judgments which have to be made in implementing the invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 101 – 104, 122 & 131 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myrick et al. (US Patent 7,162,427 B1) in view of Chavez et al. (US patent 6,684,193 B1, hereafter Chavez).

Re. Claims 101, 122 & 131, Myrick discloses an enterprise architecture for a business divided into a business architecture, an information technology architecture, and an enterprise management framework. The business architecture is the main driver for the information technology architecture but the information technology architecture can also have an impact on the construction of the business architecture. The enterprise management framework allows for the management of the two architectures. A framework tower is built around essential and mandatory components of the enterprise architecture. The framework tower is made up of a plurality of planes representing mandatory components of the enterprise architecture. The components of the framework tower include a strategic plan, a business architecture, an information architecture, an application architecture, a technology infrastructure architecture, and an enterprise information technology management framework. Each component in the framework tower addresses the people, processes, and technology of the enterprise architecture so that strategic information technology planning, enterprise architecture definition, and repeatable and effective information technology enabling solutions can be performed and delivered to the business. (Abstract).

Thusly, Lewis discloses a method, system and storage device for integrating organization systems into an overall financial management system, comprising

- integrating data from a plurality of organization related systems (inherent in Myrick's disclosure and as represented by the Abstract),
- developing a computational model of organization market value (Fig. 1, Col. 4, ll. 27-28) that identifies one or more drivers of an organization share price by a category of value using at least a portion of said data (the share price is implicit in the market of the enterprise, since the share price is a simple function of total value divided by the outstanding number of shares),

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- identifying one or more changes in operation that will optimize organization share price using said model (implicit in strategic planning), and
- implementing said changes in operation by communicating the changes to one or more organization systems where the drivers of organization share price are selected from the group consisting of elements of value, external factors, risks and combinations thereof (implicit in strategic plans).

Therefore it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosure of Myrick with conclusions which would have been obviousness to the practitioner to design a method, system and storage device for integrating organization systems into an overall financial management system, motivated by a desire to provide a business with a foundation framework or structure that allows the business architecture to drive the technology architecture and also allow the technology architecture to have a direct impact on the construction of the business architecture through enablement or providing new and creative ways of conducting business (Myrick, Col. 1, ll. 34-40).

Re. Claims 102, 123, 125 & 133, Myrick discloses a computational model of organization market value which identifies a contribution to a market value for a plurality of elements of value for each of one or more categories of value where the elements of value are selected from the group consisting of customers (Fig. 12A), information technology, processes, production equipment, other elements and combinations thereof and where a category of value is selected from the group consisting of current operation and other factors (Abstract).

Re. Claims 103, 124, 126 & 134, Myrick discloses wherein a computational model of organization market value is developed in an automated fashion by completing a series of analyses where the analyses are selected from the group consisting of identifying one or more previously unknown item performance indicators, discovering one or more previously unknown value drivers, identifying one or more previously unknown relationships between one or more value drivers, identifying one or more previously

unknown relationships between one or more elements of value, quantifying one or more inter-relationships between value drivers, quantifying one or more impacts between elements of value, developing one or more composite variables, developing one or more vectors, developing one or more causal element of value impact summaries, identifying a best fit combination of predictive model algorithm and element impact summaries for modeling enterprise market value and each of the components of value, building one or more predictive models using transaction data, determining a net element of value impact for each category of value, determining a relative strength of the elements of value between two or more enterprises, developing one or more real option discount rates, calculating one or more real option values, calculating an enterprise market sentiment value by element of value, developing a covariance matrix, developing a series of scenarios, simulating a financial performance under a given scenario and combinations thereof.

Re. Claims 104, 127 & 135, Myrick discloses where organization related systems are selected from the group consisting of basic financial systems, other systems and combinations thereof (Abstract, Fig's 1-21).

6. Claims 105, 128, 129, 130, 136-138 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myrick et al. (US Patent 7,162,427 B1) in view of Chavez et al. (US patent 6,684,193 B1, hereafter Chavez).

Re. Claims 105, 128 & 136, Myrick does not explicitly disclose changes in operation which are selected from the group consisting of changes in purchase quantities, changes in purchasing mix, changes in risk transfer, changes in vendors, changes in purchase discounts, changes in product discounts, changes in product pricing, changes in service pricing, changes in service discounts, changes in supply chain management, changes in organization equity holdings, changes in operating limits for organization systems and combinations thereof. However, Chavez discloses a model for the multivariate allocation of resources based on value functions which includes changes in numerous business

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variables (Col. 2, l. 53 – Col. 5, l. 30), including purchasing and supply variables (Col. 8, l. 66 – Col. 9, l. 37). Therefore, It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the a method, system and storage device disclosed by Myrick with the disclosure of Chavez in order to integrate organization systems into an overall financial management system method, system and storage device which includes changes in various business parameters including purchasing, motivated by a desire to introduce a solution to the recurring problem of large scale manufacturing processes in the allocation of valuable resources to meet uncertain consumer demand (Chavez, Col. 1, ll. 15-18).

Re. Claims 129, 130, 137 & 138, Myrick discloses a system and storage device including that of risk management (DETX 112) and risk assessment, DETX 219). Myrick does not explicitly disclose re. Claim 129, a computational model of organization market value identifies an impact of a plurality of risks on each of one or more categories of value where a category of value is selected from the group consisting of current operation, real option, market sentiment and combinations thereof and where a plurality of risks are selected from the group consisting of event risks, contingent liabilities, volatility and combinations thereof; nor claim 130, wherein identifying an impact of a plurality of risks on each of one or more categories of value further comprises quantifying a risk contribution from each of one or more elements of value and each of one or more external factors for each category of value where the elements of value are selected from the group consisting of alliances, brands, customers, customer relationships, employees, employee relationships, infrastructure, intellectual property, information technology, partnerships, processes, production equipment, vendors, vendor relationships and combinations thereof. However, Chavez discloses more details in the evaluation of risks, including an optimization step which "leads into the element identified as sensitivities/scenarios/results 324. This element produces results such as risk management insights, and the like. Risk management insights 326 include such factors as product/revenue upside, component gating risk, product interaction effects, intercomponent gating risk, and flex levels. Product/revenue upside considers how such factors increase (or affect) overall revenues. Gating risks consider the effects

of allocating components towards one product versus another. Interaction effects consider the influence of one product over another (in competing for resources, sales, and the like). (Col. 9, l. 62 – Col. 10, l. 6).

It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the method, system and storage device disclosed by Myrick with the disclosure of Chavez in order to integrate organization systems into an overall financial management system method, system and storage device which includes identification of the impact of a plurality of risks and the quantification of risk exposures by elements of value and external factors for each risk category, motivated by a desire to introduce a solution to the recurring problem of large scale manufacturing processes in the allocation of valuable resources to meet uncertain consumer demand (Chavez, Col. 1, ll. 15-18).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is (571)272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kambiz Abdi, can be reached on (571) 272-6702.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks, Washington D.C. 20231

or Faxed to (571)273-8300 [Official communications; including After Final communications labeled "Box AF"]

or Faxed to (571) 273-6792 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the address found on the above USPTO web site in Alexandria, VA.

SEC

August 6, 2009

ABDI
PRIMARY EXAMINER

